

EXHIBIT A



Hon. Elizabeth D. Laporte (Ret.)

Mediator, Arbitrator, Court-Appointed Neutral
(Referee/Special Master), Neutral Evaluator

Hon. Elizabeth D. Laporte (Ret.) joined JAMS after more than two decades as a United States magistrate judge for the Northern District of California. Judge Laporte was the chief United States magistrate judge for the Northern District of California from 2013 to 2015. As a magistrate judge, she presided over numerous civil cases with the parties' consent, with a robust docket that included patent, trademark, copyright, business, class actions, employment, insurance, environmental, antitrust and civil rights litigation.

Judge Laporte is known for helping to shape patent and intellectual property case law and for advancing the court's e-discovery procedures. Her colleagues and the legal community consider her among the leading legal thinkers on e-discovery issues. For her efforts, she earned the Judicial Leadership Award from the Electronic Discovery Institute in 2015. She also launched the Northern District's Women Attorneys Advocacy Project, which seeks to promote gender equality in the legal community.

As a neutral at JAMS, Judge Laporte adds value to the ADR process with extensive experience conducting settlement conferences and resolving discovery disputes, as well as presiding over numerous cases from start to finish, including through summary judgment and/or trial. Those who have appeared before her have witnessed her settlement skills and fair, thorough and intelligent style. Here are a few of their comments:

- "She is the sort who will stay at the table until the deal is concluded."
- "She works very hard at bringing about settlement."
- "She is objective."
- "She is very fair."

A recent *Daily Journal* profile included related comments such as the following:

- "She is very detail oriented. She takes a hands-on approach."
- "She had tough questions for both sides and yet let both sides say what they needed to...the issues were fully aired."
- "The things that stands out are her open-mindedness, thoughtfulness and thoroughness."

The *Almanac of the Federal Judiciary* contains high praise for Judge Laporte, including the following:

- “She is capable and has a very good understanding of the law. She can fill in the missing pieces.”
- “She is an intellectual. She is smart.”
- “She is warm, friendly and professional...[she] made a fair decision when she had to.”
- “She is productive and helpful. She is engaged and fosters settlement.”
- “She is energetic. She loves what she does. She is active in getting parties to settle.”

In addition to high praise for her legal acumen and settlement skills, Judge Laporte is also regularly invited to speak on panels for continuing education of attorneys and judges on a variety of legal topics, including intellectual property, settlement, e-discovery, employment law and jury trials. Judge Laporte is also the author of numerous legal publications.

ADR Experience and Qualifications

- Presided over one of the nation’s largest civil caseloads through summary judgement or trial with consent of the parties as a magistrate judge in the Northern District of California; this court leads the nation in consent cases before magistrate judges by a large margin
- Previously served as the alternative dispute resolution magistrate judge for the Northern District of California
- As a magistrate judge for over 20 years, conducted hundreds of settlement conferences and resolved hundreds of discovery disputes
- Frequent lecturer and speaker on settlement and ADR topics, as well as intellectual property
- Known for being one of a small number of magistrate judges who have received consent from lawyers to preside over their patent cases from start to finish

Representative Matters

- **Antitrust & Competition**
 - Antitrust conspiracy to fix prices/competition case
 - *Datel v. Microsoft*
 - Presided over case involving allegations of antitrust, patent infringement and copyright violations related to video game technology; the plaintiff manufactured accessories for the defendant’s gaming system and brought antitrust allegations after the defendant altered its software, disabling the plaintiff’s product; the defendant then brought claims for patent infringement against the plaintiffs
- **Business Commercial**
 - Discovery referee for alleged breach of distribution contract
 - Breach of fiduciary duty involving alleged inadequate insurance coverage for a property with multiple buildings destroyed in a large fire
 - Breach of contract dispute involving software development
 - Breach of contract, conversion, declaratory relief, and copyright infringement dispute between two businesses, both financial technology services companies, focused on payments processing and card issuance
 - Alleged advertising fraud involving hard drives
 - Securities: Derivative Actions
 - Breach of contract, fraud and related claims by assignee of cosmetics company arising from the recall of a cosmetic product due to alleged contamination by the product filler, which in turn asserted third-party complaint against manufacturer
 - Contract dispute over sale/purchase of medical billing company
 - Multiple breach of contract cases involving a variety of industries, products and services
 - Early neutral evaluator and mediator for software licensing dispute
 - Breach of contract for alleged nonpayment for financial services rendered as well as breach of covenant of good faith and fair dealing and unjust enrichment claims
 - Fraud and nondisclosure regarding ability to supply environmental technology and exclusivity contracts and patent ownership rights
 - Held a settlement conference for breach of contract dispute in which plaintiff allegedly entered into an agreement with defendants wherein defendants would serve as the importer of plaintiff’s electronic lighting products into the U.S. market; defendants allegedly broke their agreement

- Held a settlement conference for contract dispute between a group of doctors and a managed care company related to access to clients at certain contracted rates
- Held a settlement conference for case involving a nationwide recall of a candy product caused by excessive levels of lead; plaintiff asserted that the high levels in its products were due to exceedingly high levels of lead in an ingredient supplied by defendant; allegations included breach of contract, breach of express warranty, breach of implied warranty of merchantability and breach of implied warranty of fitness
- Rising Tide I, LLC, et al. v. Fitzsimmons, et al. and Abdo, et. al. v. Fitzsimmons, et al.
 - Presided over securities cases in which plaintiffs allegedly purchased millions of dollars of securities based on false and misleading representations and then sued senior officers and board members for violations of securities laws

- **Civil Rights**

- Racial discrimination cases against schools

- **Class Action & Mass Tort**

- Federal putative class action involving a control group of affiliated defendants that allegedly violated obligation under Cal Ins Code to offer lowest priced policy among the companies with good driver discount to good drivers
- Two federal putative class actions in two states involving consumers and a motor vehicle manufacturer concerning alleged defect in vehicles not properly remedied by manufacturer, claiming breach of warranty and various related state and federal statutes
- Neutral analysis for class action alleging website's advertising practices violated California's Unfair Competition Law
- Securities class action
- Class action involving form mortgage agreements alleging violations of multiple state statutes regulating the amount of interest charged on escrow accounts
- Class action regarding alleged overcharging of bank fees to US Service members
- Numerous wage and hour class actions
- Securities class action involving the purchase of shares of common stock
- Consumer class actions, including ones alleging false advertising
- Antitrust class action
- Served as Special Master to review and report on cy pres applications for distribution of settlement funds
- Held a settlement conference for dispute involving former customers of a provider of natural gas; the customers brought the action on behalf of themselves and a proposed class based on allegations that included fraud, breach of contract, negligent misrepresentation and violation of the Recording Act in telemarketing
- Presided over numerous Telephone Consumer Protection Act (TCPA) matters and was settlement judge in other TCPA cases
- Presided over as well as settled numerous employee class actions against employers claiming misclassification as exempt employees and other issues resulting in wage and hour violations of federal and state laws, some including issues of federal preemption

- **Employment Law**

- Employment breach of contract
- Multi-plaintiff dispute alleging claims for unsafe work environment due to COVID pandemic under the Private Attorneys General Act (PAGA) on behalf of other aggrieved employees. Plaintiffs also alleged retaliation, public nuisance, unfair business practices and intentional/negligent infliction of emotional distress
- Employment case involving ERISA
- Multiple disputes regarding trade secrets and non-competition
- Multiple employment disputes involving claims of gender, racial, age discrimination, breach of contract, sexual harassment, wage & hour and meal break violations including C-Suite and high-level executives in businesses, universities, nonprofits, and the public sector
- Wrongful termination/retaliation disputes involving technology and pharmaceutical companies
- Alleged forced labor (prisoner labor)
- Multiple wage and hour and PAGA disputes
- Impey v. Office Depot

- Presided over employment age discrimination case through trial
- Presided over numerous discrimination cases, including discrimination based on age, gender, national origin and race
- Presided over as well as settled numerous employee class actions against employers claiming misclassification as exempt employees and other issues resulting in wage and hour violations of federal and state laws, some including issues of federal preemption
- Presided over executive termination and whistleblower matters
- Presided over multiple Americans with Disabilities Act matters
- **Environmental Law**
 - Constitutional and statutory challenges to local government environmental/zoning ordinance brought by affected local business and supplier from another state
 - *People of the State of California, et al. v. United States Department of Agriculture, et al. and related case The Wilderness Society, et al. v. United States Forest Service, et al.*
 - This case involved the “Roadless Rule,” issued under President Bill Clinton, which barred building roads in more than 50 million acres of national forest; President George W. Bush replaced the Clinton rule with one that gave states more control; environmental groups and several Western states challenged the repeal in federal court, and Judge Laporte presided over that case
 - *Natural Resources Defense Council, Inc., et al. v. Evans, et al.*
 - Environmental matter involving allegations that Navy sonar harms ocean animals
- **Health Care**
 - Dispute involving the sale and purchase of a medical billing company
 - Copyright/trademark dispute between competitors in artificial intelligence (AI) for healthcare automation
 - Employment non-competition and trade secrets dispute involving a medical staffing company
 - Breach of contract and related statutory and common law claims for failure to commercialize licensed technology under license agreement
- **Insurance**
 - Held settlement conference for insurance coverage dispute over professional liability policy with claim for rescission and declaratory relief and counterclaims for breach of contract and implied covenant of good faith and fair dealing for failure to defend
 - Held settlement conference for case involving legal expenses for an insured under an existing policy; plaintiff alleged that the defendants also have a duty to contribute to those legal expenses and brought the suit against them for not paying their fair share
 - Held settlement conference for first-party breach of contract and bad faith insurance coverage lawsuit that arose out of defendant's declination of plaintiff's property insurance claim for the cost to repair construction deficiencies and construction deficiency–related water damage
 - Held settlement conference for dispute in which plaintiffs purchased travel insurance policies from defendants and alleged that they were denied some of the benefits under the policies; they then brought a class action to challenge defendants' decision to deny benefits
 - Held settlement conference for products liability case in which plaintiff alleged that a microwave malfunctioned and caused a fire that damaged a rental unit; the landlord and tenant were insured; plaintiff paid the insureds for losses that plaintiff contended were caused by defendant's actions and omissions
 - Held settlement conference for case involving situation in which plaintiff was covering legal expenses for an insured under an existing policy; plaintiff alleged that the defendants also had a duty to contribute to those legal expenses and brought the suit against them for not paying their fair share
 - Held settlement conference for ERISA case against employer with collective bargaining agreement with a union local
 - Held settlement conference for insurance case involving an independent insurance agency
 - Held settlement conference for action that arose out of an alleged breach of collective bargaining agreement
- **Intellectual Property**
 - Patent dispute arbitration of infringement issue as part of settlement in case involving consumer electronic accessory
 - Patent dispute involving video game technology

- Special Master for motion in limine in patent case involving pharmaceutical
- Special Master for multi-patent dispute involving cybersecurity technology regarding adequacy of infringement contentions
- Patent case involving computer network technology and topology
- Multiple trade secrets cases
- Alleged trademark infringement
- Alleged domain name fraud
- Roche Molecular Systems, Inc. v. Cepheid
 - Presided over patent case by consent; case involved a challenge to the validity of a patented diagnostic related to using DNA to detect a pathogen associated with a disease-causing bacterium; Judge Laporte's decision was affirmed by the Federal Circuit Court of Appeals
- Informatica Corp v. Business Objects Data Integration, Inc.
 - Presided over patent infringement dispute between two enterprise software business intelligence companies
- Oracle v. SAP
 - Presided over discovery portion of large copyright infringement case leading to a jury verdict, and subsequently it settled; case involved sophisticated issues of e-discovery
- Held settlement conference for trademark case that involved U.S. and foreign trademarks
- Held settlement conference for trademark infringement case against a Chinese manufacturer of smartphones and associated chargers by wireless headphone American subsidiary and German parent
- Held settlement conference for patent infringement case between the owner of several patents related to storage of electronic data and a California company that provided software for file synchronization and sharing
- Held settlement conference for patent infringement case between leading competitors in operating room technology/medical field
- Held settlement conference for copyright and trademark infringement case brought by American subsidiary of Japanese company with famous trademarked and copyrighted characters and logos against a California corporation with numerous websites on which it made allegedly infringing sales of various consumer products
- Williams Sonoma v. Amazon
 - Presided over trademark and patent infringement case between a home goods company and an online retailer
- ASM America, Inc. v. Genus, Inc.
 - Presided over patent infringement case in which the technology involved included atomic layer chemical vapor deposition machines used to form thin layers of insulating material, conducting material and semiconducting material
- Sun Microsystems v. Network Appliance Inc.
 - Presided over patent infringement case between two high-tech companies related to patents for data processing systems and related software
- Presided over Defend Trade Secrets Act (DTSA) case between two specialty pharmaceutical companies
- Presided over patent infringement and DTSA case concerning software patents directed to integration of multiple processors and memories into shared-memory computers
- **International & Cross Border**
 - Tripartite arbitration under the International Chamber of Commerce (ICC) Rules of Arbitration regarding alleged unpaid royalties under a Technology Agreement between a major company with photographic capability on its mobile devices and a provider of photo recognition software and hardware. The amount in dispute was over US \$100 million.
 - Tripartite arbitration under the International Centre for Dispute Resolution (ICDR) Rules of Arbitration involving a contract dispute between a California and a Japanese company that was seated in Tokyo, Japan. California law and Japanese law both applied. The amount in dispute was approximately US \$10-15 million.
 - Held settlement conference for trademark infringement case against a Chinese manufacturer of smartphones and associated chargers by wireless headphone American subsidiary and German parent

- 2007 Chinese High-Tech Enterprise and U.S. IP Litigation Strategy Forum, China Intellectual Property Society; Beijing Foreign Studies University, Shenzhen, Shanghai, and Beijing, China
 - Presided over Mock Trial
 - Presided over Moot Court
- Presided over Mock Patent Trial, Chinese State Intellectual Property, Bo'ao, China
- **Life Sciences**
 - Special Master for motion in limine in patent case involving pharmaceutical company
 - Patent infringement case between leading competitors in operating room technology/medical field
 - Defend Trade Secrets Act (DTSA) case between two specialty pharmaceutical companies
 - Patent case involving a challenge to the validity of a patented diagnostic related to using DNA to detect a pathogen associated with a disease-causing bacterium
 - Employment disputes involving a biopharmaceutical company, cloud-based personal healthcare products manufacturer, biological equipment manufacturer, and research company specializing in life sciences
 - Dispute by employees who worked on advanced bioscience projects directed at cancer in several related start-up companies against their common owner over alleged broken promises of stock grants, including claims for fraud, negligent misrepresentation, estoppel and breach of contract
- **Professional Liability**
 - Legal malpractice dispute; underlying dispute was a patent infringement case

Honors, Memberships, and Professional Activities

Completed Virtual ADR training conducted by the JAMS Institute, the training arm of JAMS.

Memberships and Affiliations

- Secretary, Board of Governors, Northern California Chapter of the Association of Business Trial Lawyers, 2022
- Member, Judicial Advisory Board for the Trade Secret Case Management Judicial Guide
- Member, ChIPs, Advancing Women in Tech, Law and Policy, Ongoing
 - Member Spotlight on ChIPs Blog, 2020
- Member, Cross-Border Privilege Issues Brainstorming Group, The Sedona Conference, 2019–2020
- Member, Board of Governors, Northern California Chapter of the Association of Business Trial Lawyers, Ongoing
- Judicial Co-Chair, Training Program, Federal Judicial Center and Electronic Discovery Institute, 2017–2019 and was also a Faculty Member, 2015–2019
- Member, Patent Local Rules Committee, United States District Court, Northern District of California, 2015–2019
- Member, Judicial Advisory Board, The Sedona Conference, 2013–2019
- Board Member, Federal Magistrate Judges Association, 2018–2019
- Founder, Women Attorneys Advocacy Project, United States District Court, Northern District of California, 2015
- Member, Editorial Board, *Federal Courts Law Review*, 2014–2019
- Judicial Observer, Working Group 1 on Electronic Document Retention and Production, The Sedona Conference, 2008–2019
- Chair, Northern District of California Local Rules Committee Subcommittee on E-Discovery, 2012
- Member, Judicial Review Team, *The Sedona Conference Cooperation Proclamation Resources for the Judiciary*, 2011
- Member, Executive Board, Ninth Circuit Magistrate Judges, 2004–2005, 2013–2014
 - Chair, 2004–2005
- Member, Jury Trial Improvement Committee, Ninth Circuit Court of Appeals, 2002–2009
- Chair, Magistrate Judge Executive Board, Ninth Circuit; Observer, Judicial Council, Ninth Circuit, 2000–2002

Selected Awards and Honors

- Judicial Leadership Award, Electronic Discovery Institute, 2015
- California Lawyer of the Year, *California Lawyer*, 1996

Selected Publications

Judge Laporte has written numerous articles and contributed to many publications, including the following:

- "Women's History Month: Women in Law and ADR", *JAMS Blog*, March 2021
- "Access to Justice and Lessons Learned During a Pandemic", *JAMS Blog*, October 2020
- "How is virtual mediation impacting the US legal sector?", *JAMS Blog*, July 2020
- "Why Now Is a Good Time to Engage in Mediation or Other Streamlined Dispute Resolution", *JAMS Blog*, June 2020
- "5 Tips for Protecting Legal Privilege During Global Litigation - The Judicial Perspective", *ACC Docket*, June 2020
- "Success for Women In and Out of the Courtroom", *ABTL Report*, May 2020
- "Trade Secret Litigation on the Rise in California: How ADR Can Help", *Daily Journal*, March 2020
- Contributed to the Federal Judicial Center's *Patent Mediation Guide*, January 2019
- "Trying Employment Cases: A View From the Bench," Northern California Association of Business Trial Lawyers' *ABTL Report*, Winter 2011/2012
- Co-Author, "Wrongful Termination and Related Disputes," Chapter 61: "Bringing and Defending Wrongful Termination Claims" in *California Employment Law*, 2010
- "Getting the Most Out of Judicial Settlement Conferences," Northern California Association of Business Trial Lawyers' *ABTL Report*, Winter 2006
- *California Civil Litigation Reporter*, "Judge's Perspective: E-Discovery: New Federal Rules, Same Basic Principles," Vol. 28 No. 6; December 2006
- "Managing the Runaway Patent Case," Northern California Association of Business Trial Lawyers' *ABTL Report*, Summer 2003
- Judicial Reviewer, Continuing Education of the Bar's *California Civil Discovery Practice*

Selected Speaking Engagements

- 22nd Annual Berkeley-Stanford Advanced Patent Law Institute, Berkeley Center For Law & Technology and Stanford Law School, October 2021
- 14th Annual E-Discovery Conference, Gibbons P.C., October 2021
- Annual Seminar, San Francisco Intellectual Property Law Association, September 2021
- Arbitration: How eDiscovery differs in Arbitration from Civil Litigation, DC Chapter of Women in eDiscovery, May 2021
- Patent Disputes Forum, JAMS, March 2021
- 4th Annual Putting Insights Into Practice Forum, Complete Discovery Source, January 2021
- Third Annual Trade Secrets Protection, Enforcement, and Litigation, Sandpiper Partners, December 2020
- Cutting-Edge Employment Law Issues 2020: The California Difference, Practising Law Institute, September 2020
- Alternative Dispute Resolution in the COVID-19 World, New York Intellectual Property Lawyers Association, July 2020
- Resolving Cases in the World of COVID-19: Tips from Mediators on Settling Cases in Remote Mediations, Bar Association of San Francisco, May 2020
- Overcoming Gender Bias in and out of the Courtroom, ABTL Northern California, March 2020
- Advanced e-Discovery Institute, Georgetown Law, November 2019
- Moderator of panel of US Federal and Chinese IP Judges at 2nd Annual Berkeley-Tsinghua Transnational Intellectual Property Litigation Conference, October 2019
- Chinese High-Tech Enterprise and U.S. IP Litigation Strategy Forum, China Intellectual Property Society; Beijing Foreign Studies University, Shenzhen, Shanghai, and Beijing, China, 2007
 - Speech regarding view from District Court Bench (regarding number of patent suits, how patent infringement is determined, including claim construction, defenses, role of judge in proceedings, role of jury in proceedings, how Chinese company should behave in U.S. patent litigation, including engaging in good faith discovery and pursuing settlement track simultaneously and diligently)

Background and Education

- United States Magistrate Judge, Northern District of California, 1998–2019
 - Chief United States Magistrate Judge, Northern District of California, 2013–2014
- Chief of Special Litigation, San Francisco City Attorney's Office, 1996–1998
- Administrative Law Judge, California Department of Insurance, 1991–1996
- Partner and Associate, Turner & Brorby, 1983–1991

- Law Clerk, The Honorable Marilyn Hall Patel, Northern District of California, 1982–1983
- Policy Planner/Economist, Federal Trade Commission, 1977–1979
- J.D., Yale Law School, 1982
- M.A., Oxford University, 1977
 - Marshall Scholar
- B.A., Princeton University, 1975

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Next